

IN THE UNITED STATES PATENT OFFICE

Rick Sheppard

Serial No.: 09/747,529

Filed: December 22, 2000

JACQUARD WOVEN TEXTILE WITH GRAPHIC IMPRESSION AND A
METHOD OF MAKING THE SAME

Affidavit under 37 C.F.R. 1.132

State of North Carolina

County of Union

I, Rick Sheppard, being duly sworn, depose and say that I'm president of Devant Limited and have been wholly employed there since 1977. I'm also the inventor of the above identified invention commercially known as the Edge® towel.

Devant is the leading manufacturer of golf towels in the United States and the assignee of the Edge towel.

The Edge towel was created due to the inability and limitations of the jacquard process to produce multiple color logos on jacquard woven golf towels. Jacquard woven golf towels allow only two colors in any linear direction to be chosen. This limits logo reproduction where logos may have four or five colors in a single linear area. By weaving a jacquard woven perimeter or frame for the towel a graphic impression may be added utilizing full-color graphics for the logo. This gives the impression of a jacquard woven golf towel utilizing full color reproduction in the center of the towel yet retains the quality and look of an expensive jacquard woven golf towel.

The Edge towel combines the look of jacquard weaving with the process called image dying so it is difficult to tell how the multicolor jacquard woven product is produced. It is the combination of two separate processes that gives the towel the woven look, yet all of the color potential of a graphic imaged product.

This product has been immensely successful and in three short years it now dominates 50 percent of total production, competing with 300 other

different products in the Devant line including jacquard woven and image dyed products.

Background information


Devant has been producing golf towels for over 27 years and is the only manufacturer in the world that has the capacity to perform the three methods of towel decoration, namely jacquard weaving with image dying, printing, or embroidery. Over the years customers have expressed frustration over the inability of any company to produce their logo correctly using the expensive look of the jacquard weaving method and frustration over the lack of quality using the image dying or screen method. Historically jacquard woven towels are the most expensive towels to produce, and image dyed or printed towels are historically the least expensive way to decorate. I believe that the reason no one has ever combine these two processes together in the past is because applying an inexpensive method of decoration to the most expensive decorating process did not make good sense. Jacquard weaving is the most expensive weaving process known. Accordingly, jacquard woven towels are very high-end, luxurious and plush. This limits their marketability. Why would anyone add further cost to a high cost towel by applying a graphic image? Applying a graphic image would theoretically cheapen the value of the towel. No one has thought to add more cost to jacquard woven that in turn reduces its value. How would one market such a product? The unexpected benefit came when this was done and the graphic image was more crisp and sharp than other towels. Perhaps the plushness of the jacquard woven towel means you have more pile loops, those loops are sheared more evenly (a tighter weave shears more evenly) and, like increasing pixels for a computer monitor, the clarity and sharpness are increased. This was truly unexpected. Prior to the Edge towel there has been no other product that accomplished logo reproduction like this product.

Another benefit of jacquard woven towels of my invention is that precision alignment of these images within the central area is not a problem (see the small Pinehurst 2005 towel left with the Examiner). The text or smaller graphics are merely overprinted on the dark border and are not readily visible. Overprinting on the dark border eliminates alignment problems.

Commercial success

Beginning with this first introduction three years ago the Edge towel has been a huge commercial success for Devant Limited. In fact the product was so successful that in eight months one of the largest apparel companies in the world attempted to knock off the product. Numerous towel competitors have asked some of our resources to reproduce the style and our resources have refused, respecting Devant's concept, creativity, and patent pending nature of the Edge towel. This product is nothing short of revolutionary to the golf and sport towel market and sales have substantiated this. The most common question I have heard is how do we weave multiple colors into the towel when no one else can achieve this on a loom. The towel appears to be woven yet it is a hybrid, combining two processes to achieve a third totally different look never seen before the introduction of this product. Essentially the Edge product gives unlimited color and design freedom to a jacquard woven towel. I believe this reinforces the fact that this is not an obvious invention. Because graphic imaging is done after the towel is completely finished, there is no conflict with any prior patent applications which have sought to protect imaging or printing the yarn prior to the weaving process. We still have not realized the full potential of the Edge towel from a sales standpoint as our sales are still climbing without any end in sight.

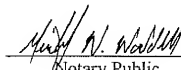
In my opinion the commercial success that we've enjoyed in bringing the Edge towel to market is primarily attributable to the uniqueness of the product and the fact that it fills a void that no other towel has accomplished. It is interesting to note that this towel has had virtually no advertising other than mere display at national trade shows. Because of this fact, I believe the product is commercially successful because customers appreciate the look and feel, and the fact that it produces their logo better than any other golf or sport towel on the market. Additionally when presenting this product to our customers we are asked to explain each time how we achieved multiple colors in a non-linear fashion on a jacquard woven product. We haven't had a customer who has been able to figure out how we have produced this product which I believe contributes to its uniqueness and is an indication of the nonobviousness of the invention.


Rick Sheppard, President

From this 14th day of November before me personally appeared Rick Sheppard, known to me to be the individual described in and who executed the foregoing instrument, and who thereupon acknowledged to me that he executed the same for the purposes therein set forth.

Witness my hand and official seal, this the 14 day of November, 2002.

(Official Seal)


Notary Public

My Commission Expires October 2, 2005